

## REMARKS

Applicants respectfully traverse and request reconsideration.

Claims 1-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sutton in view of Jou. Applicants have amended the independent claims to include respective dependent claims as originally filed. The claims are believed to be allowable in view of the cited references. For example, claim 1 has been amended to include dependent claim 2 which was initially rejected based on the Sutton reference and in particular, column 2, lines 28-40. Applicants respectfully submit that Sutton with the combination of Jou does not teach the claimed subject matter.

Sutton is directed to a method and apparatus for performing search acquisition in a CDMA communications system. Sutton teaches a method of acquisition for which a large window of PN chip offset hypothesis are searched and if an energy signal is found that might indicate the presence of the pilot signal having one of the chip offsets of the large search window, then a search of a subset of offset hypotheses, or small window is searched. As such, Sutton looks for energy over large window space to exceed a threshold, then divides the large window into small windows, measures energy in each small window and uses the results to determine phase of the pilot signal. In contrast, amended claim 1, which incorporates originally filed claim 2 (and other independent claims), is directed to producing a pilot strength measurement message that uses a short term measurement in a message if a long term measurement exceeds a threshold. As such, as claimed, for example, if the pilot signal is weak, and a long term filtered measurement is less than a threshold, the message uses and reports the short term average, otherwise the long term measurement may be included. Column 2, lines 33-35 and lines 28-40 have been cited as allegedly teaching, receiving short term filtered measurement data corresponding to at least one pilot signal and wherein the pilot strength

measurement includes at least a short term filtered measurement data if the strongest pilot signal represented by corresponding long term filtered measurement data is less than the threshold. However, the cited portion does not teach what is alleged as the cited portion merely states that a first set of energy values for PN sequences are analyzed and compared to a threshold value and a second set of calculated energy values for a smaller window are compared against calculated energy values. The small window sequence hypotheses are subset of a large window set of PN sequence hypotheses wherein at least one energy value of the calculated energy values exceeds the first threshold value. As such, Sutton describes dividing a large window into small windows and measuring energy in each small window and then using the results to determine the phase of the pilot channel. There is no production or generation of any pilot strength measurement information that includes short term filtered measurement data if a strongest pilot signal represented by corresponding long term filtered measurement data is less than the threshold. As such, the claimed reference does not teach what is alleged and the claims are in condition for allowance.

As to claims 3, 8, 16, 18 and 19, there does not appear to be any reference in Sutton or Jou that teach changing the filter characteristics based on the number of pilots in the set. It appears that the cited portions are silent as to this operation. As such, these claims are also in condition for allowance. As to claim 4, this claim is dependent on an allowable base claim and as such, this claim is also in condition for allowance. In addition, the cited portions do not appear to teach or suggest short or long filters for reported signal strength. The claimed method is independent of pilot acquisition as disclosed, for example, in Sutton.

As to claims 5, 10 and 13, Sutton deals with pilot acquisition and is not directed to signal strength measurement reported to a base station. As such, the motivation alleged (assuming for argument sake that there is proper motivation provided) does not appear to be proper since the

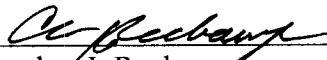
Jou description of the standard that they are mentioning describes not to drop a pilot. Combining this with obtaining pilot acquisition of Sutton does not teach the claimed subject matter.

As to claim 6, Applicants respectfully note the typographical errors in the rejection and as such, will assume that the rejection meant to refer to the "Sutton" reference. The claim is also believed to be allowable for the reasons stated above. The other dependent claims are believed to be allowable at least as depending from allowable base claims.

Applicants respectfully submit that the claims are in condition for allowance and respectfully request that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

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Respectfully submitted,

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